

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E-FILED on 1/30/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re PALM TREO 600 and 650 LITIGATION

Master File No. C-05-03774 RMW

This Document Relates To:

GANS, C-05-03776

ORDER RE: JONATHAN SHUB'S MOTION
TO WITHDRAW AS COUNSEL FOR
PLAINTIFF RICHARD GANS

[Re Docket Nos. 54]

On December 19, 2007 Jonathan Shub filed a motion to withdraw as counsel for plaintiff Richard Gans. On January 25, 2008, the court held a hearing on the motion to withdraw. Gans did not appear at the hearing or otherwise oppose the motion.

At the hearing, the court indicated that it would grant Shub's motion to withdraw. Its tentative ruling was based in part on Shub's representations (1) that he could provide proof that Gans had been served with the motion to withdraw and (2) that Gans was represented by other counsel, namely the Lakin Law Firm and the law firm of Freed, Weiss & Flaum. Reviewing the docket after the hearing, the court notes that both firms have made an appearance in this case, however, it finds curious that fact that neither appeared on Gans' behalf at the motion to withdraw as counsel.

Accordingly, the court will defer its decision on Shub's motion to withdraw as counsel pending receipt of two items: (1) proof of timely service on Gans (and his counsel) of Shub's motion

1 to withdraw as counsel for Gans and (2) proof that Gans is represented by counsel, preferably in the
2 form of a declaration by Gans' present counsel. Optimally, since Gans' purported present counsel
3 has made an appearance in this matter, Shub should obtain a stipulation from Gans to substitute
4 counsel.

5

6

7 DATED: 1/29/08

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been electronically sent to:**

2 Roger E. Collanton
rcollanton@mofo.com,jhaskins@mofo.com,ahellums@mofo.com,cvetesi@mofo.com

3 Michael M. Goldberg
4 info@glancylaw.com

5 Robert S. Green
CAND.USCOURTS@CLASSCOUNSEL.COM

6 Scott K. Johnson
7 skjohnson@sheller.com,sjohnson@scottjohnsonlaw.com

8 Seth R. Lesser
slesser@lockslawny.com

9 Stanley Scott Mallison
10 stanm@mallisonlaw.com,jans@mallisonlaw.com,MPalau@mallisonlaw.com

11 Hector R. Martinez
12 hectorm@mallisonlaw.com

13 Penelope Athene Preovolos
ppreovolos@mofo.com,kfranklin@mofo.com

14 Ira P. Rothken
15 ndca@techfirm.com

16 Lori A. Schechter
17 lschechter@mofo.com,kfranklin@mofo.com

18 Jonathan Shub
jshub@seegerweiss.com

19 Mark John Tamblyn
mjt@wtwlaw.us,eaw@wtwlaw.us

20 Edward A. Wallace
21 eaw@wtwlaw.us,ecf@wtwlaw.us,mrm@wtwlaw.us

22 Counsel are responsible for distributing copies of this document to co-counsel that have not
23 registered for e-filing under the court's CM/ECF program.

24 **Dated:** 1/30/08

25 /s/ MAG
26 **Chambers of Judge Whyte**